

Amendments to the Claims:

This following listing of claims replaces all prior listings, and all prior versions, of claims in the application.

Listing of Claims:

Claims 1-12 (cancelled).

13. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, wherein  
said negative electrode comprises graphite powder having a rhombohedral  
crystal structure in a range of 0-20 % by weight and a particle size equal to or  
smaller than 100  $\mu\text{m}$ .

14. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, wherein  
said negative electrode comprises graphite powder having a hexagonal  
crystal structure in a range of at least 80% by weight and a particle size equal to or  
smaller than 100  $\mu\text{m}$ .

15. (Currently Amended) Electrodes for a non-aqueous secondary battery,  
comprising:

a positive electrode, and  
a negative electrode,  
said positive electrode or said negative electrode intercalating and  
deintercalating ions, wherein  
~~graphite which is an active material of said negative electrode comprises~~  
graphite powder having a hexagonal crystal structure and a rhombohedral crystal  
structure, and a particle size equal to or smaller than 100  $\mu\text{m}$ , as an active material,  
and  
an existing ratio of the hexagonal crystal structure in said graphite is at least  
80% by weight.

16. (Cancelled)

17. (Original) Electrodes for a non-aqueous secondary battery,  
comprising:  
a positive electrode, and  
a negative electrode,  
said positive electrode or said negative electrode intercalating and  
deintercalating ions, wherein  
an active material of said negative electrode is carbon material,  
said carbon material is composed of graphite crystal powder,  
said graphite crystal powder has a particle size equal to or smaller than 100  
 $\mu\text{m}$ , and  
an existing ratio of a hexagonal crystal structure in said graphite crystal  
powder is at least 80% by weight.

18. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

an active material of said negative electrode is carbon material,

said carbon material is composed of natural graphite crystal powder having a particle size equal or smaller than 100  $\mu\text{m}$ , and

an existing ratio of a hexagonal crystal structure in said natural graphite crystal powder is at least 80% by weight.

19. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

~~an active material of said negative electrode is~~ comprises carbon material as an active material,

said carbon material is composed of graphite crystal powder,

said graphite crystal powder has a particle size equal to or smaller than 100  $\mu\text{m}$ ,

an existing ratio of hexagonal crystal structure in said graphite crystal powder is at least 80% by weight, and

said graphite crystal powder has a deintercalating capacity for lithium of at least 320 gAh/gmAh/g.

20. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein  
~~——said graphite powder comprising said negative electrode has a particle size equal to or smaller than 100  $\mu$ m, and~~  
said negative electrode comprises graphite powder having a fraction of a rhombohedral structure equal to or less than 20% by weight and a particle size equal to or smaller than 100  $\mu$ m.

21. (Original) A non-aqueous secondary battery as claimed in claim 20, wherein  
said graphite powder has a fraction of a hexagonal structure equal to or more than 80% by weight.

Claims 22-23 (Cancelled).

24. (Original) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and

electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein

said negative electrode comprises graphite powder having a particle size equal to or smaller than 100  $\mu\text{m}$ ,

said graphite powder has both a hexagonal structure and a rhombohedral structure, and

said graphite powder has a fraction of the rhombohedral structure equal to or less than 20% by weight, and a fraction of the hexagonal structure equal to or more than 80% by weight.

Claims 25.-31. (Cancelled).

32. (New) A non-aqueous secondary battery as claimed in claim 13, wherein said graphite powder includes at least a fraction having hexagonal crystal structure.

33. (New) A non-aqueous secondary battery as claimed in claim 20, wherein said graphite powder includes at least a fraction having hexagonal crystal structure.